



DEPARTMENT OF THE ARMY  
JACKSONVILLE DISTRICT CORPS OF ENGINEERS  
TAMPA REGULATORY OFFICE  
P.O. BOX 19247  
TAMPA, FLORIDA 33686-9247

Regulatory Division  
South Permits Branch  
West Permits Section  
Tampa Regulatory Office

PUBLIC NOTICE

Permit Application No. SAJ-2004-1010 (IP-MEP) **OCT 21 2004**

TO WHOM IT MAY CONCERN: This District has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), and Section 10 of the Rivers and Harbors Act (33 U.S.C. 403) as described below:

PROJECT: Wal-Mart Supercenter, Pinellas Park(E)

APPLICANT: Mr. Robert Bedard, Asst. Vice President  
Wal-Mart Stores East, Inc.  
2001 S.E. 10<sup>th</sup> Street  
Bentonville, AR 72716

WATERWAY & LOCATION: The project is located in estuarine herbaceous and forested wetlands tributary to Tampa Bay, on the north side of U.S. Highway 92, approximately 4,000 feet west of the western terminus of the Gandy Bridge, in Section 32, Township 30 South, Range 17 East, St. Petersburg, Pinellas County, Florida.

LATITUDE & LONGITUDE: Latitude 27°52'10"N, Longitude 82°37'29"W.

PROJECT PURPOSE:

Basic: Store construction.

Overall: Construct a Wal-Mart Supercenter retail store to serve Northeast St. Petersburg, Pinellas County.

Proposed Work: The applicant proposes to fill approximately 1.54 acres of vegetated tidal wetlands and 2.91 acres of open water habitat to construct a retail store with associated parking,

stormwater management ponds, and utilities. Four smaller, isolated wetlands totaling 1.15 acres also occur on the 27.33 acre site. Compensation offered by the applicant for wetlands impacts includes the enhancement of 0.48 acres of existing on-site estuarine wetlands, and the on-site creation of 2.74 acres of estuarine wetlands. Mitigation shall be accomplished by regrading the mitigation site to allow for proper tidal fluctuations, and planting with black mangrove (Avicennia germinans), and black rush (Juncus roemerianus).

SITE CONDITIONS: The site consists of an abandoned borrow pond that has been excavated from poorly drained soils and historically filled wetlands. The abandoned borrow pond has a depth of approximately 11' at it's deepest point, becoming more shallow to the East as it forms a narrow tidal channel. The tidal channel passes under a road through a concrete culvert, and eventually connects to Old Tampa Bay by way of a series of ditches.

The abandoned borrow pit consists of mostly un-vegetated open water habitat with a scattered band of black mangrove (Avicennia germinans) around the edges. Upslope of the mangrove is dominated by Brazilian pepper (Schinus terebinthifolius). A small zone of typical salt flat ecotone lays upslope of the pond edge on the south and north sides of the pond. These areas are sparsely vegetated by glasswort (Salicornia spp.) and sea purslane (Sesuvium portulacastrum).

THREATENED AND ENDANGERED SPECIES: The applicant has stated that no threatened or endangered species were observed on site during their investigations. Additionally, the Corps of Engineers is unaware of any threatened or endangered species concerns within or near the project area. The Corps of Engineers is currently requesting consultation as defined under Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service.

ESSENTIAL FISH HABITAT:

The proposal would impact approximately 4.45 acres of estuarine wetlands utilized by various life stages of red drum/penaeid shrimp/reef fish, stone crab/spiny lobster/pelagic-migratory fish/snapper-grouper complex. The Corps of Engineers initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat (EFH) or Federally managed fisheries in the Gulf of Mexico. The Corps of Engineers final determination relative to project impacts and

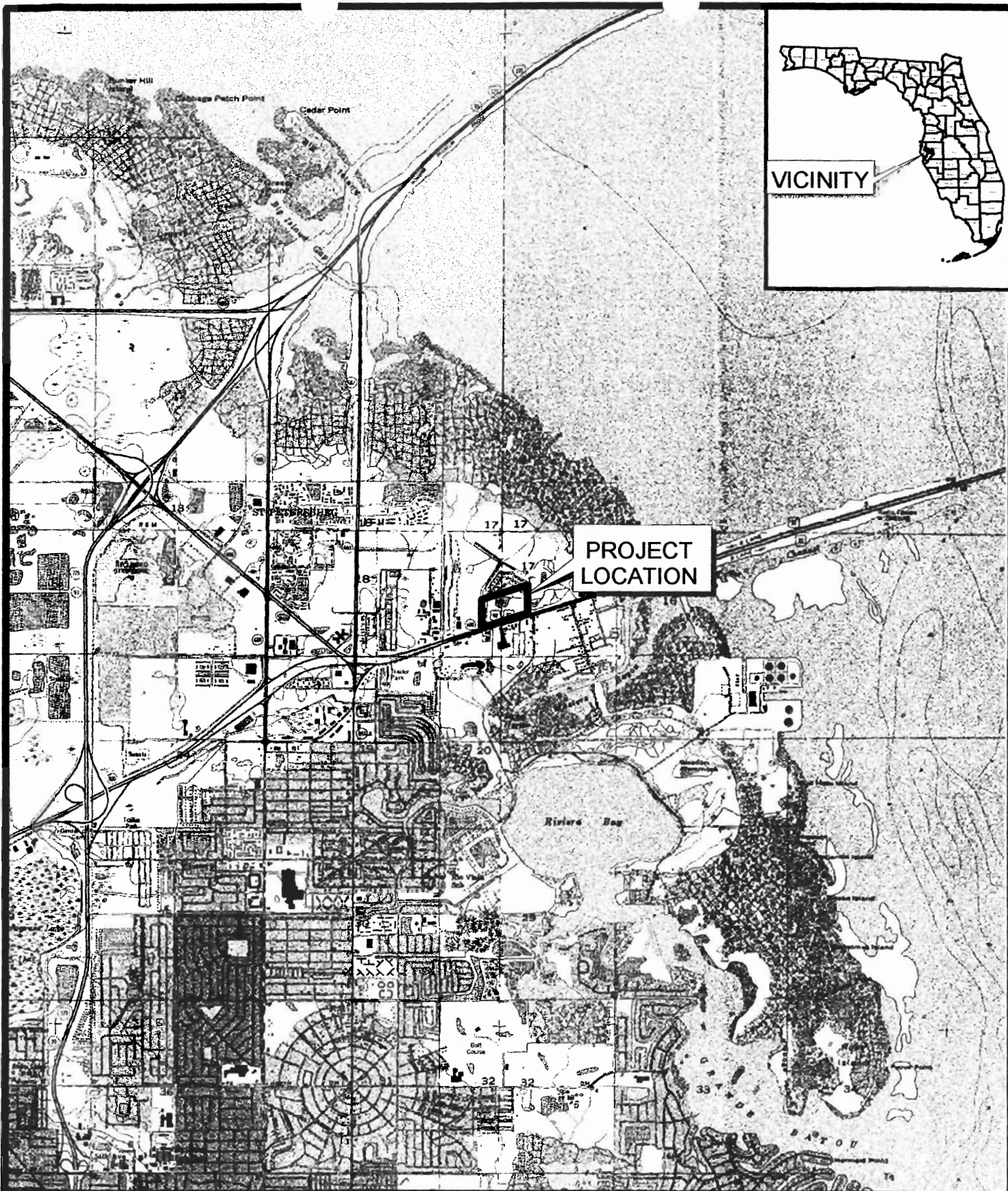
the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service under the requirements of the Magnuson-Stevens Fishery Conservation and Management Act.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified. A complete set of drawings is available in the Tampa Regulatory Office for review. The limits of wetlands shown on the drawings are based on a jurisdictional determination verified by the Tampa Regulatory Office.

AUTHORIZATION FROM OTHER AGENCIES: The project will require authorization from Southwest Florida Water Management District.

Comments regarding the application should be submitted in writing to the District Engineer at the above address within 30 days from the date of this notice.

If you have any questions concerning this application, you may contact Mark E. Peterson of this office, telephone: (813)840-2908, ext. 246, or email at Mark.E.Peterson@saj02.usace.army.mil.



**Lotspeich and Associates, Inc.**  
**ECOLOGICAL CONSULTANTS**  
 2711 West Fairbanks Avenue, Winter Park, Florida 32789  
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File: 2003-183.APR Drawn By: JM

## Wal-Mart, Pinellas Park

Permit No. SAJ-2004-1010(IP-MEP)  
 Applicant: Wal-Mart Stores East, Inc.  
 CESAJ-RD-SW-T  
 Date: 14-OCTOBER-2004  
 Page 1 of 3

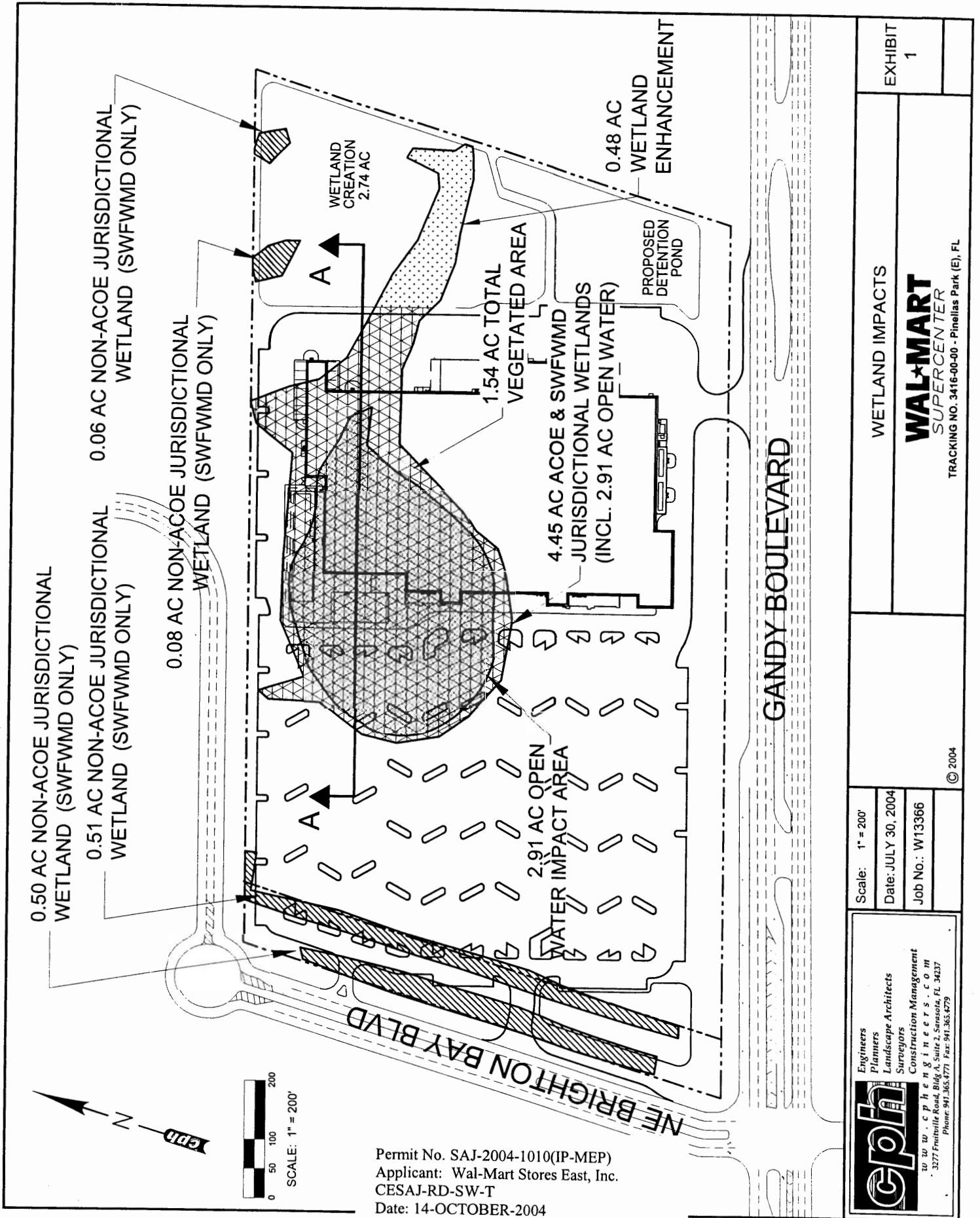
## Vicinity Map



North

Scale: 1" = 4,000'

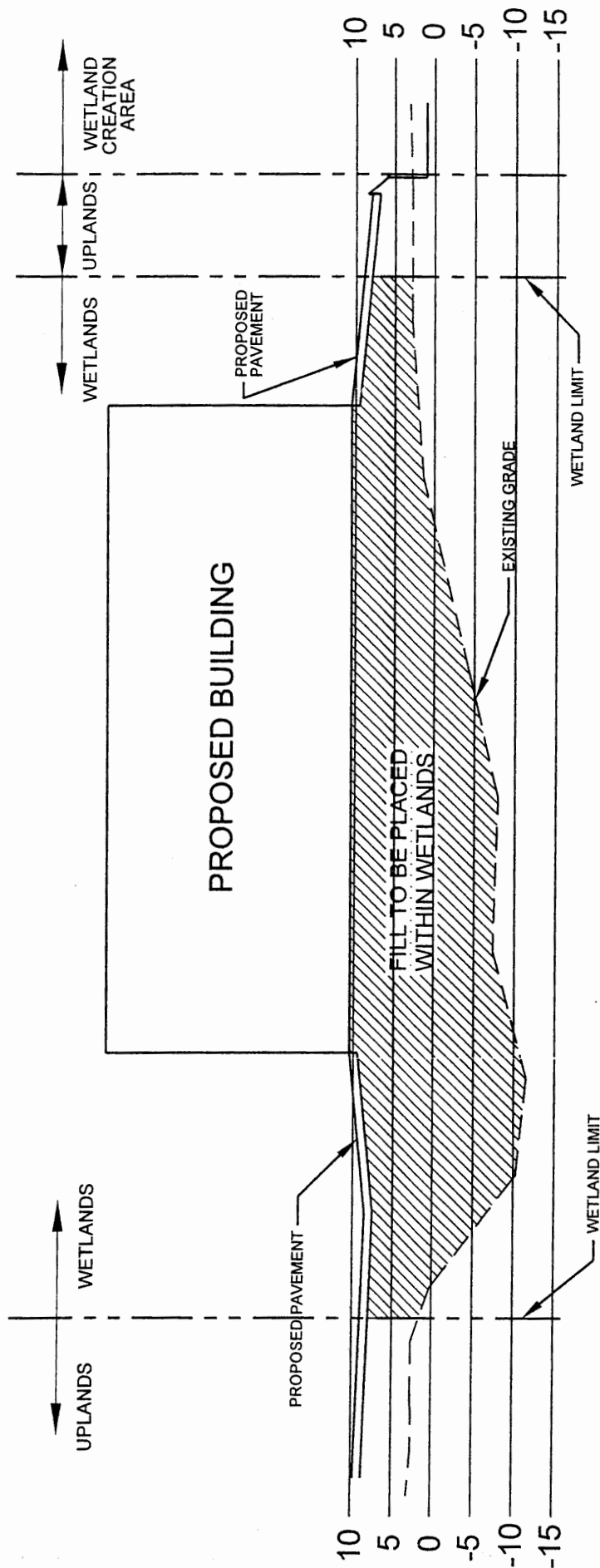
Figure 1



**gph**  
Engineers  
Planners  
Landscape Architects  
Surveyors  
Construction Management

3277 Franchville Road, Bldg. 4, Suite 2, Sarasota, FL 34237  
Phone: 941-363-4771 Fax: 941-363-4779

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## CROSS SECTION 'A-A'

SCALE: 1" = 100' H. 1" = 20' V.

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 CESAJ-RD-SW-T  
 Date: 14-OCTOBER-2004  
 Page 3 of 3

EXHIBIT 2	CROSS SECTION A-A	
	<b>WAL-MART</b> SUPERCENTER TRACKING NO. 3416-00-00 - Pinellas Park (E), FL	

**epm**  
 Engineers  
 Planners  
 Landscape Architects  
 Surveyors  
 Construction Management  
 w w w . e p m . c o m  
 Two Urban Centre, 4890 West Kennedy Blvd, Suite 450, Tampa, FL 33609  
 Phone 813.286.0233 Fax 813.286.0433

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**IMPACT ON NATURAL RESOURCES:** Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat.

**IMPACT ON CULTURAL RESOURCES:** Review of the latest published version of the National Register of Historic Places indicates that no registered properties, or properties listed as eligible or inclusion therein, are located at the site of the proposed work. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished.

**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section 102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest.

The U.S. Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make or deny this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**COASTAL ZONE MANAGEMENT CONSISTENCY:** In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board. In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance with approved Coastal Zone Management Plan.

**REQUEST FOR PUBLIC HEARING:** Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

  
John R. Hall  
Chief, Regulatory Division